

ORDINANCE NO. 466 N.S.

AN ORDINANCE ADDING CHAPTER 9.07  
TO THE MUNICIPAL CODE OF THE  
CITY OF EL PASO DE ROBLES

The City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1: That Chapter 9.07 shall be added to the Municipal Code of the City of El Paso de Robles to read as follows:

CHAPTER 9.07

PROHIBITED CONDUCT

Sections:

- 9.07.010 Necessity for anti-noise regulations.
- 9.07.020 Prohibited conduct.
- 9.07.030 Description of representative offensive conduct.
- 9.07.040 Necessity for security guards at live music dances.
- 9.07.050 Live music dances, security guard to be present.

9.07.010 Necessity for anti-noise regulations.

(a) The making and creation of loud, unnecessary or unusual noises within the limits of the City is a condition which has existed for some time and the extent and volume of such noises is increasing.

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City; and

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity and peace and quiet of the City and its inhabitants.

9.07.020 Prohibited Conduct. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitiveness residing in the neighborhood. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (a) The audible volume of the noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;
- (e) The volume and intensity of the background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;
- (g) The nature and zoning of the area within which the noise emanates;
- (h) The density of the inhabitation of the area within which the noise emanates;
- (i) The time of the day or night the noise occurs;
- (j) The duration of the noise;

- (k) Whether the noise is recurrent, intermittent, or constant; and
- (l) Whether the noise is produced by a commercial or noncommercial activity.

9.07.030 Description of representative offensive conduct. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive namely:

(a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horns, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(b) Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 7:00 p.m. and 7:00 a.m. in a residential district or between 2:00 a.m. and 7:00 a.m. in a business or commercial district in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) Live music. Amplified music, being performed by any live band of two or more persons or by any solo performer between the hours of 7:00 p.m. and 7:00 a.m. or between 2:00 a.m. and 7:00 a.m. in a business or commercial district, in such a manner as to be plainly audible at a distance of fifty (50) feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section.

(d) Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure for commercial purposes.

(e) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 2:00 a.m. and 7:00 a.m. in a business or commercial district or at any place in a residential district between the hours of 7:00 p.m. and 7:00 a.m. for an unnecessary, unreasonable period of time so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity.

(f) Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

(g) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(i) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty (50) feet from the building other than between the hours of 7:00 a.m. and 7:00 p.m. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Zoning Administrator, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 7:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 7:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(j) Schools, courts, churches, hospitals. The creation of any excessive noise other than that resulting from construction or excavation work on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(k) Pile drivers, hammers, etc. The operation between the hours of 7:00 p.m. and 7:00 a.m. of any pile drive, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector or the Director of Public Services authorizing such devices to be operated during the otherwise prohibited hours while the emergency continues

(l) Blowers and motor driven cycles. The operating of any noise-creating blower or power fan or any cycle powered by an internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is properly muffled and such engine is equipped with a muffler device sufficient to reduce such noise to a level which will not disturb the surrounding neighborhood. The noise limits set forth in Section 23130 of the California Vehicle Code shall be deemed to be the applicable standard for noise emissions, provided, however, the basis for measuring such limits for devices operated on private property shall be a distance of fifty (50) feet from the property line of the parcel of real property on which the device is located or where the neighboring property is lawfully devoted to residential use, within any point on such neighboring property which complies with the required yard setbacks as established in the zoning regulations for the applicable district.

9.07.040 Necessity for security guards at live music dances.

(a) As assaults, batteries, assaults with weapons and miscellaneous lesser offenses frequently tend to occur at those establishments serving alcohol, live music and dancing;

(b) That the frequency and degree of such violence is on the increase;

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, and peace of the City and its inhabitants.

9.07.050 Live music dances, security guard to be present. Any public building rented, leased or otherwise retained for the purpose of providing live music entertainment by two or more musicians, whether a private or public function, for the purpose of dancing shall provide a uniformed security officer or guard certified by the State of California and licensed with the City of El Paso de Robles to be posted in a conspicuous place within such businesses and buildings.

PASSED AND ADOPTED this 4th day of May 1982,  
by the following roll call vote:


AYES: Councilmen Monroe, Ovitt, Parish, Thorndyke and Stemper

NOES: None

ABSENT: None

  
MAYOR GARY E. STEMPER

ATTEST:

  
CITY CLERK DONALD B. KEEFER

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
CITY OF EL PASO DE ROBLES

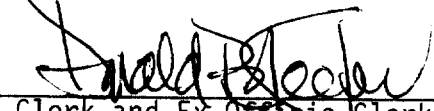
I, DONALD B. KEEFER, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 466 N.S. was duly and regularly adopted, passed and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 4th day of May, 1982, by the following vote:

AYES: Councilmen Monroe, Ovitt, Parish, Thorndyke and Stemper

NOES: None

ABSENT: None

Dated this 4th day of May, 1982.

  
City Clerk and Ex-Officio Clerk of the City Council,  
City of El Paso de Robles, State of California